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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,993	12/23/2005	Menno Anne Treffers	NL030791	1246
24737 7590 04/30/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER PYZOCHA, MICHAEL J				
ART UNIT 2437		PAPER NUMBER		
MAIL DATE 04/30/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,993

Applicant(s)

TREFFERS, MENNO ANNE

Examiner

MICHAEL PYZOCHA

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-9 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said drive" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said optical information carrier" in lines 28 and 29. There is insufficient antecedent basis for this limitation in the claim.

Any claims not specifically addressed are rejected by virtue of their dependencies.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenney et al. (US 20030067474) in view of Kamperman et al. (US 7178038).

As per claims 1 and 6, Fenney et al. discloses a method and device for running copy-protected software comprising encrypted graphics data and encryption data stored on an information carrier, comprising: a drive for reading said encrypted graphics data and said encryption data (see paragraph [0034]), means for decrypting said encrypted graphics data using said encryption data for obtaining decrypted graphics data, an application processing unit for running said copy-protected software, a graphics processing unit for processing said graphics data (see paragraphs [0032] through [0035]).

Fenney et al. fails to explicitly disclose opening a secure communication channel between said drive and said graphics processing unit for transferring said decrypted graphics data and/or said encryption data from said drive to said graphics processing unit.

However, Kamperman et al. teaches the use of such a secure channel (see column 3 lines 22-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to create a secure channel in the Fenney et al. system.

Motivation to do so would have been to provide a higher level of protection against theft through hacking (see Kamperman et al. column 1 line 65 through column 2 line 3).

As per claims 3 and 7, the modified Fenney et al. and Kamperman et al. system discloses means for decrypting said encrypted graphics data are included in said drive and said secure communication channel is adapted for transferring said decrypted graphics data (see Kamperman et al. column 3 lines 22-60).

As per claims 4 and 9, the modified Fenney et al. and Kamperman et al. system discloses encryption data contain key locker data and hidden code data and in that means for unlocking said key locker data by said hidden code data are provided in said drive for obtaining encryption key data for decrypting said encrypted graphics data (see Fenney et al. paragraph [0035] and Kamperman et al. column 3 lines 22-60).

As per claim 5, the modified Fenney et al. and Kamperman et al. system discloses the device comprises a game console (see Fenney et al. paragraphs [0003] and [0016]).

As per claim 8, the modified Fenney et al. and Kamperman et al. system discloses transferring encryption data via a secure communication channel to a graphics processing unit, transferring said encrypted graphics data to said graphics processing unit, and decrypting said encrypted graphics data using said encryption data (see Fenney et al. paragraphs [0032] through [0035] and Kamperman et al. column 3 lines 22-60).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Fenney et al. and Kamperman et al. system as applied to claim 1 above, and further in view of Evans et al. (US 7293178).

As per claim 2, the modified Fenney et al. and Kamperman et al. system fails to explicitly disclose the decryption is performed in a graphics card and the secure channel connects to the graphics card.

However, Evans et al. teaches the use of a graphics card to decrypted encrypted content (see column 9 line8 through column 10 line 39).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the decryption and secure channel of the modified Fenney et al. and Kamperman et al. system in a graphics card.

Motivation to do so would have been to protect data that is used in connection with a graphics card (see Evans et al. column 3 lines 38-40).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Larose, Touatt, Maliszewski, and Aucsmith teach methods of encrypting graphics data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOSKA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Pyzocha/
Examiner, Art Unit 2437